

Option 2

							ADJ	COLA				NEW	ANNUAL	TOTAL	COLA	ADJ	ANNUAL	APPROX FRINGE
Job Title	EMP	Empl No	Hourly Base Rt	Annual	Notes:	Range	RANG	COLA	ADJ	TOTAL	RATE	PAY	INCREASE	INCREASE	INCREASE	ADJUST	CO: ON	ADJ
Department: Fire Services			Division: County Administrator Directed															
1	Shift Commander	Hanson	363	17.97	49,525.32	Based on 2756 hours	22	25	0.0251	0.1500	0.1751	21.12	57,108.48	7,583.16	0.45	2.70	7,300.80	2,409.26
2	Shift Commander	Tucker	306	18.54	51,096.24	Based on 2756 hours	22	25	0.0251	0.1500	0.1751	21.79	58,920.16	7,823.92	0.47	2.78	7,517.12	2,480.65
3	Shift Commander	Torchia	300	19.04	52,474.24	Based on 2756 hours	22	25	0.0251	0.1500	0.1751	22.37	60,488.48	8,014.24	0.48	2.86	7,733.44	2,552.04
4	Deputy Fire Chief - Administration	Burris, B	362	27.69	57,816.72		28	32	0.0251	0.2000	0.2251	33.92	70,824.96	13,008.24	0.70	5.54	11,567.52	3,817.28
5	Deputy Fire Chief - Operations	Greek	741	26.98	56,334.24		28	32	0.0251	0.2000	0.2251	33.05	69,008.40	12,674.16	0.68	5.40	11,275.20	3,720.82
6	Fire Chief	Gulbrandsen	247	35.82	74,792.16		30	34	0.0251	0.2000	0.2251	43.88	91,621.44	16,829.28	0.90	7.16	14,950.08	4,933.53
																60,344.16	19,913.57	80,257.73

Employer	Min	Mid	Max	Hours	FLSA	Status
Marion County	\$ 66,996.00	\$ 87,494.80	\$ 107,993.60	2080	E	
City of Leesburg	\$ 52,124.00	\$ 64,311.00	\$ 76,498.00	2912	E	
Ocala	\$ 58,740.00	\$ 77,096.50	\$ 95,453.00	2080	E	
Pasco	\$ 55,664.00	\$ 75,385.00	\$ 95,106.00	2912	E	
Orange County A	\$ 61,239.36	\$ 75,959.52	\$ 90,679.68	2912	E	Orange County has 3 of these classes, all 3 paid the same hourly rate range at different weekly/annual hours worked
Orange County B	\$ 43,742.40	\$ 54,256.80	\$ 64,771.20	2080	E	
Orange County C	\$ 43,742.40	\$ 54,256.80	\$ 64,771.20	2080	E	
Average E	\$ 58,381.00	\$ 76,071.83	\$ 93,762.65			
Lake County	\$ 36,296.00	\$ 47,174.40	\$ 58,052.80	2912	NE	
Hernando	\$ 53,826.00	\$ 58,904.00	\$ 63,982.00	2080	NE	
Polk A	\$ 58,614.00	\$ 73,579.50	\$ 88,545.00	2080	NE	8-Step Plan 40 hr Truck
Polk B	\$ 56,143.00	\$ 70,470.00	\$ 84,797.00	2912	NE	8-Step Plan 56 hr Truck
Average NE	\$ 51,219.75	\$ 62,531.98	\$ 73,844.20			
Sumter County	\$ 35,182.80	\$ 45,560.16	\$ 55,937.52	2756	NE	Average actual salary = \$56,760.17
Market Differential	-31%	-27%	-24%			
Average Actual Differential	11%	-9%	-23%			56760.17

SCFR Shift Commanders 2010 / 11 Base at 2912

Non-Exempt	Hourly	2756 hrs	FLSA OT (156 at 1.5)	P-Medic Req'mnt	Total Annual Compensation
Hanson	18.42	50,765.52	4,310.28	6,000.00	61,075.80
Tucker	19.01	52,391.56	4,448.34	6,000.00	62,839.90
Torchia	19.52	53,797.12	4,567.68	6,000.00	64,364.80

Proposed EXEMPT Shift Commanders 2010 / 11 at 2704

Average workweek 48 hrs on Shift + 4 hrs. /week Administrative (meetings, etc.)

EXEMPT	Hourly	2704 hrs	EXEMPT	P-Medic Req'mnt	ANNUAL
Hanson	21.12	57,108.48		6,000.00	63,108.48
Tucker	21.79	58,920.16		6,000.00	64,920.16
Torchia	22.37	60,488.48		6,000.00	66,488.48

**Rationale for Shift Commanders Transition to Exempt Status
With Explanation of Work Schedule Revision**

The position of Shift Commander in the Sumter County Fire Rescue system is a highly responsible, managerial position with supervisory and administrative duties. The Shift Commander is the senior chief fire rescue officer for an assigned shift with 24 hour supervisory responsibility. The Shift Commanders (3) rotate through a standard Firefighter Work Schedule of 24 hours on-duty, with 48 hours off-duty. During their 24 hour duty shift they supervise not only the Career Firefighters assigned to their shift, but also any Reserve Firefighters or Members that are scheduled for station coverage, special events or that respond to incidents on a per-call basis. The number of personnel supervised on any 24 hr. shift may range from six (6) to sixty (60) or more based on call volume and the nature or severity of incidents within that 24 hr. time frame. Sumter County Fire Rescue is designed to have approximately 120 Reserve Members. On the average, half of these are available to respond at any given time.

Shift Commanders act as the Fire Chief's designee in many circumstances, serving as the daily operations supervisor and Incident Commander for most emergencies. Their responsibilities include, but are not limited to; scheduling, maintaining operational readiness and recommending both commendations and corrective (disciplinary) actions. Each Shift Commander also has certain assigned administrative duties as well, which include but are not limited to; Fire Rescue Training for all members including Career and Reservists, EMS Training / Quality Assurance (again for all members), Apparatus Equipment Standardization, Breathing Apparatus Maintenance & Fit Testing.

All Shift Commanders actively participate in the interviewing, selection and training of employees. All Shift Commanders direct the work of employees and appraise the employees' job performance. On a daily basis, Shift Commanders handle employee complaints, plan the employees' work activities, determine what techniques are to be utilized to accomplish work goals, and apportion the work among available employees.

Shift Commanders answer to a Deputy Chief and are therefore the third tier of supervision / management in the Sumter County Fire Rescue System. Synonymous titles used in neighboring jurisdictions include Battalion Chief and District Chief. Other departments may refer to this position as Platoon Chief / Captain or Battalion Captain, based on the tradition and rank structure of the local operating area. Our current Job Description for Shift Commander is attached.

To transition the Shift Commanders to Exempt Status, I would recommend reducing their average workweek hours from 56 hrs. / Week to 52 hrs. / Week which would bring them under the threshold for mandatory overtime as described in the Fair Labor and Standards Act. Working within the 24 hrs. on / 48 hrs. off – Firefighter Schedule, within a 21-day cycle, each day of the week is worked by any given shift (ABC). To bring the Shift Commanders average "Shift Workweek Hours", below 56, we would assign each Shift Commander to have "Sundays OFF", which would bring their average Shift Workweek Hours to 48. Acknowledging that each Shift Commander has certain assigned administrative / managerial duties and is required to attend specific meetings with Senior Staff, we would add 4 hours of compensation each week for a total of a 52 hour Average Workweek.

Attachments: FLSA Handbook (4 pgs.), SCFR Shift Commander Job Description, Firefighter Shift Calendar

DOL's revised exemption regulations explain that the nonmanagement employees carved out by the rule do not qualify as exempt executive employees because their primary duty is not "management" of the enterprise in which the employee is employed or a customarily recognized department or subdivision thereof. The rule also explains that such employees do not qualify as exempt administrative employees or learned professionals.

This does not mean that no law enforcement personnel or firefighters may qualify for the executive exemption. DOL and many courts have ruled that police and/or firefighting personnel may qualify as exempt executives under the act. Executives are those employees whose primary duty consists of managing the enterprise in question (or a discrete unit thereof), and who regularly supervise two or more employees. DOL's FLSA exemption regulations (29 C.F.R. §541.102) define "management" as including:

- interviewing, selecting and training employees;
- setting and adjusting their rates of pay and hours of work;
- directing the work of employees;
- maintaining production or sales records for use in supervision or control;
- appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status;
- handling employee complaints and grievances;
- disciplining employees;
- planning the work;
- determining the techniques to be used;
- apportioning the work among the employees;
- determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold;
- controlling the flow and distribution of materials or merchandise and supplies;
- providing for the safety and security of the employees or the property;
- planning and controlling the budget; and
- monitoring or implementing legal compliance measures.

DOL notes in the Preamble to its 2004 exemption rule revisions that the above list is not intended to be exhaustive (69 *Fed. Reg.* 22,133).

Firefighters

Higher-ranking firefighting occupations, such as battalion chief, fire captain and fire lieutenant, are the most likely to qualify for this exemption. In reported court cases, the employing municipality or district has been required to show that the duties of such employees are similar in spirit to the management responsibilities listed in the regulations.

It is important to note that to be exempt from the normal 40-hour-per-week overtime standards, the work period must be at least seven consecutive work days, up to a maximum of 28 consecutive work days.

The figures in the preceding table appear in a U.S. Department of Labor (DOL) publication entitled "State and Local Government Employees Under the Fair Labor Standards Act" (Page 20). (It also can be found in DOL regulations at 29 C.F.R. §553.230.) The DOL publication provides general information, and compliance with it cannot be relied upon as a good faith defense under the act. There are two statistical quirks or errors in DOL's compilation of schedules for law enforcement employees. If a 14-day work schedule is selected, DOL allows an 86-hour workweek. Thus, by selecting a 14-day period, an employer can work police officers 172 hours in a 28-day period, which is one more hour without overtime than if the employer selected the 171 hour 28-day option. A similar problem exists with regard to the 141 hours for a 23-day schedule allowed for in the DOL publication. Thus, it may be more advantageous to fix a 14-day work period if the fluctuating schedule of your police officers allows such a schedule.

¶612 Compensatory Time Off

Section 207(k) employees may receive compensatory time off in lieu of overtime pay for hours worked in excess of the maximum set for their work period (29 C.F.R. §553.231; see also ¶560 concerning the guidelines for compensatory time).

The purpose of 207(k) plans is to permit public agencies to balance the hours of work over an entire work period for law enforcement and fire protection employees. As the regulations note, if a firefighter's work period is 28 consecutive days and he or she works 80 hours in each of the first two weeks, only 52 hours in the third week, and not at all in the fourth week, no overtime compensation (in cash or compensatory time) is due. This is because the total hours worked did not exceed 212 for the work period. If the same firefighter had a work period of only 14 days, overtime compensation would be due for 54 hours (160 minus 106 hours) in the first 14-day work period (29 C.F.R. §553.231(b)). Of course, the compensatory time off must be subject to a valid agreement between the employer and the employee (see, for example, Wage and Hour Opinion Letter, Aug. 19, 1994).

¶613 Overtime Pay Requirements

If a public agency chooses to pay its employees in cash for overtime, such wages must be paid at time and one-half the employees' regular rates of pay (see ¶614 and Tab 500). In addition, employees who have accrued more than the maximum 480 hours of compensatory time allowed to public safety employees must be paid cash wages for overtime hours in excess of the maximum set for the work period (29 C.F.R. §553.232).

Note that it is improper to pay section 207(k) employees for an "average" number of hours worked. DOL found impermissible one city's plan that would pay a firefighter on a 27-day work schedule

**BOARD OF SUMTER COUNTY COMMISSIONERS
JOB DESCRIPTION**

JOB TITLE: Shift Commander

DEPARTMENT: Fire Rescue/Services

DIVISION: Operations

GENERAL DESCRIPTION:

The Shift Commander is responsible for administrative and operational work in supervising a shift within the Fire Rescue Department. Protects life and property, in compliance with County policies and procedures, by controlling and extinguishing fires, performing emergency medical techniques and patient care procedures, responds to disasters and other emergencies, and ensures maintenance of department equipment, apparatus and stations. Participates in fire prevention activities and training to improve public awareness of fire safety. Drives and/or operates emergency response apparatus. On call 24 hours pending disasters. Work is performed under the general supervision of the Deputy Chief of Operations.

The Shift commander is directly responsible for the daily activities of assigned operations personnel. Responsible for tracking and completion of run reports and emergency medical reports. Responsible for quality assurance of submitted reports. Responsible for tracking and completion of payroll for daily assigned operations personnel and personnel recalled or held over for overtime purposes. Responsible for tracking and verification of call pay for responding volunteers to calls during the Shift Commander's assigned shift. Performs a variety of duties requiring a high degree of public trust and confidence.

ESSENTIAL JOB FUNCTIONS:

1. Functions as Operations Shift Commander during assigned 24-hour shift. Responsible for the direction of all emergency personnel and other personnel assigned to the emergency response apparatus, i.e. Firefighters and fire department volunteers. Service area requires a large amount of traveling while on-duty and supervision of 18 to 36 personnel per shift working in several fire rescue stations.
2. Supervises daily operations of personnel, quarters, apparatus and equipment. Assures all vehicles and personnel are in compliance with State of Florida guidelines and any discrepancy is immediately reported and corrective actions are implemented.
3. Responds to emergency calls and fire alarms. May perform all key responsibilities of Incident Command and direct career employees and volunteer members during emergencies to relieve or remove the emergency state.
4. Administers Emergency Medical Techniques (Basic or Advanced Life Support) as defined and authorized by the EMS Medical Director and/or on-line physician control and in accordance with Florida law. Contains, suppresses and extinguishes fires; rescues potential victims and protects property. May act as the Incident Commander or subordinate ICS branch, group, division or similar commander.
5. Assists in reviewing applications, performing written and skill testing, interviewing and assisting in the final recommendation of all Firefighter candidates for employment.
6. Recommends adjustment of grievances and evaluates employee performance. Assures that employees meet required standards pursuant to department policy and Medical Treatment Protocols, Standard Operating Procedures, General Orders and other official documents that effect operations.

Shift Commander - Operations

- Completion of accredited Paramedic program and possession of current Florida Paramedic licensure or ability to complete Paramedic program and gain license within 24 months of hiring (must be a current Florida EMT at hire date).
- A minimum of four (4) years experience as a Fire Company Officer.
- Completion of at least an Associates Degree in Fire Science from an accredited college or university.

[A comparable amount of training, education or experience may be substituted for the above minimum qualifications]

LICENSES, CERTIFICATIONS OR REGISTRATIONS:

- Valid Florida driver's license and driving record acceptable to insurance provider.
- Florida Certified Firefighter (certificate of compliance).
- Florida Certified Emergency Medical Technician or Paramedic.
- Florida Certified Fire Service Instructor.

ESSENTIAL PHYSICAL SKILLS:

- Acceptable vision (with or without correction)
- Acceptable hearing (with or without correction)
- Ability to access file cabinets for filing and retrieval of data.
- Ability to communicate using speech, hearing and vision skills.
- Ability to sit at a desk, view a display screen and input data.
- Ability to enter data into a computer.
- Heavy lifting and carrying (up to 125 pounds)
- Crawling
- Kneeling
- Bending
- Balancing
- Stooping
- Climbing
- Digging
- Walking
- Standing
- Pushing, pulling and prying motions using fire service tools
- Climbing ladders
- Able to wear and function while wearing a Self-contained breathing apparatus and fire protective clothing
- Ability to pass "PPE" mask fit test procedure.
- Operation of motor vehicle

ENVIRONMENT CONDITIONS:

- Works inside and outside in various weather conditions with noise, slippery surfaces, and uneven surfaces.
- Heights (up to 100+ feet)
- May be exposed to stressful and hazardous situations.

Reasonable accommodation will be made for otherwise qualified individuals with a disability.

05/06

FLSA Non-Exempt Status



West Metro Fire Rescue – Lakewood, Colorado

The Red Rocks Park & Amphitheatre is the destination for legendary concerts. But to West Metro Fire Rescue, it's another day on the job, a duty to defend. 326 firefighters from 15 stations provide fire and rescue services to the district west of Denver. Whether suburbia, gravel mountain road or major interstate highway, West Metro Fire Rescue is always prepared with their 100' Steel Platform. Built on a Quantum® chassis, it utilizes TAK-4® independent front suspension for safer operation on hazardous terrain.

PERFORM LIKE NO OTHER.

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
NOV.	1 All Saints' Day	2	3	4	5	6
7 Daylight Saving Time Ends	8	9	10	11 Veterans Day Remembrance Day (Canada)	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

OCTOBER 2010

			1	2		
3	4	5	6	7	8	9
10	11	12	13	14	15	16

DECEMBER 2010

			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18



WITHOUT ESC



WITH ESC

ELECTRONIC STABILITY CONTROL (ESC)